IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,	CR 15–26–M–DLC
Plaintiff,	
vs.	ORDER
MATTHEW ERIC BOUDREAU,	
Defendant.	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on January 27, 2016. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Matthew Eric Boudreau's guilty plea after Boudreau appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to one count of theft from a

federal firearms licensee in violation of 18 U.S.C. § 922(u) (Count I) and one count of possession of a firearm not registered in the National Firearms Registration and Transfer Record in violation of 26 U.S.C. § 5861(d) (Count III), as set forth in the Indictment. In exchange for Defendant's plea, the United States has agreed to dismiss Count II of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 20), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Matthew Eric Boudreau's motion to change plea (Doc. 12) is GRANTED and Matthew Eric Boudreau is adjudged guilty as charged in Counts I and III of the Indictment.

DATED this 17th day of February, 2016.

Dana L. Christensen, Chief District Judge
United States District Court